

State



Register

STATE OF
MINNESOTA

RECEIVED

APR 18 1978

HIGHLIGHTS: LEGISLATIVE REFERENCE LIBRARY
STATE CAPITOL
ST. PAUL, MN. 55155

RULES

State Grants for Development of Bikeways	1894
Form Adopted for Proposed Rule Amendments	1895

PROPOSED RULES

Rules Governing Industrial Education Teachers, School Nurses, Interscholastic Sports Coaches in Elementary and Secondary Schools, and Approval of Teacher Licensure Programs in Minnesota Institutions	1897
--	------

OFFICIAL NOTICES

Purchase of Milk on Basis of Protein and Other Non-Fat Solids	1908
Outside Opinion Solicited Regarding Open Houses Hosted by Representatives	1908
Outside Opinion Solicited Regarding Statement of Economic Interest	1909
License Application for Emergency Land Ambulance Service	1909
Human Rights Settlement Agreements, Pre-determination Agreements, Hearing Examiner's Orders and Notice of Hearing	1910
Outside Opinion Solicited Regarding Administration of Minnesota Public Social Services Rule	1916

A detailed table of contents appears inside.

VOLUME 2, NUMBER 41

APRIL 17, 1978

State Register



Materials published in the *State Register* are public records under Minn. Stat. § 15.17. The State of Minnesota has reserved a copyright to cross reference tables, tables of contents, indices, numerical lists and codification guides, as provided in RGSTR 7 of the rules of the Office of the State Register.

The *State Register* is the official publication of the State of Minnesota. It contains all executive orders, rules and notices filed with the Office of the State Register as of noon of the second Wednesday preceding the Monday of publication. The text of documents published in the *State Register* is to be accorded the following presumptions:

- (1) The rule or order was duly adopted, issued or promulgated;
- (2) The rule or order was duly filed with the Secretary of State and available for public inspection; and
- (3) The copy of the rule or order published in the *State Register* is a true copy of the original.

Judicial notice shall be taken of material published in the *State Register*.

The *State Register* is published weekly, on Monday, by the State of Minnesota, Department of Administration, Office of the State Register, Suite 203, 95 Sherburne Avenue, St. Paul, Minnesota 55103, pursuant to Minn. Stat. § 15.0411. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$110 per year, and \$85 per year for additional subscriptions, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota, Publication Number 326630. No subscription refund will be made in the event of cancellation.

Copyright © 1978 State of Minnesota

Rudy Perpich
Governor

Carol Anderson Porter
Editor

Richard L. Brubacher
Commissioner
Department of Administration

James Clancy, Paul Hoffman, Robin PanLener, Jack Richter
Editorial Staff

Cindy Peterson
Secretarial Staff

CONTENTS

RULES

Department of Transportation

Adopted Temporary Rules Relating to Establishing
a Program of State Grants for the Development
of Local Bicycle Trails (Bikeways) 1894

Office of the Attorney General

Adopted Form for Proposed Rule Amendments 1895

PROPOSED RULES

Board of Teaching

Proposed Rules Governing Industrial Education
Teachers, School Nurses, Interscholastic Sports
Coaches in Elementary and Secondary Schools,
Approval of Minnesota Institutions to Prepare
Teachers, and Those Institutions' Teacher
Licensure Programs 1897

OFFICIAL NOTICES

Department of Agriculture

Notice of Intent to Solicit Outside Opinion on the
Purchase of Milk on the Basis of Protein and
Other Non-Fat Solids 1908

Ethical Practices Board

Outside Opinion Solicited Regarding Request for
an Advisory Opinion Regarding House of
Representatives' "Open Houses" 1908

Outside Opinion Solicited Regarding Request for
an Advisory Opinion Regarding Statement of
Economic Interest 1909

Department of Health

Notice of Filing of Application for Licensure of
Emergency Land Ambulance Service 1909

Department of Human Rights

Settlement Agreements and Pre-determination
Agreements: February 17, 1978 through
March 27, 1978 1910
Hearing Examiner's Orders 1913
Notice of Hearing 1913
Settlement Agreements: March 27, 1978 through
April 7, 1978 1913
Notice of Hearing 1915

Department of Public Welfare

Notice of Intent to Solicit Outside Opinion
Regarding Proposed Amendment of the
Administration of Minnesota Public Social
Services Rule 1916

Board of Teaching

Notice of Intent to Solicit Outside Opinion
Regarding Rules Governing Teachers of Adults
in Academic Classes At or Below the
Secondary School Level 1916

MCAR AMENDMENTS AND ADDITIONS

The following is a cumulative listing of all proposed and adopted rules published in the *State Register* from Volume 2, Issue 1, to the present issue. The listing is arranged in the same order as is the table of contents to the *Minnesota Code of Agency Rules* (MCAR). All adopted rules published in the *State Register* and listed below amend and/or add to the rules contained in the MCAR set.

TITLE 1 CONSTITUTIONAL OFFICES

Part 1 Attorney General

Exhibit J (adopted) 1895

Part 2 Secretary of State

SecStat 301, 502-599, 601, 604-699, 902, 903, 1102, 1101-1199, 2101-2106, 2108-2111, 2113, 2115 (proposed) 784

Part 3 State Treasurer

TRE 1-14 (proposed) 662
 TRE 1-15 (adopted temporary rules) 1443
 TRE 1-15 (proposed) 1501

TITLE 2 ADMINISTRATION

Part 1 Administration Department

SBC 101-111, 201-204 (proposed) 837
 SBC 6001-6006 (adopted) 173
 SBC 6101-6107 (adopted) 806
 SBC 6201-6205 (proposed) 1095
 ASHRAE Standard 90-75 pp. 22, 28, 34 (proposed) 1096

Part 2 Personnel Department

Persl 4, 9, 11-12, 19, 21-22, 24, 28-29, 31, 39-40, 46-47, 61, 65-66, 68, 82, 85, 97, 106, 109, 129, 131, 133, 135-136, 141, 144, 160-161, 166-168, 170, 172, 181-182, 203, 224-254 (proposed) 254
 Persl 4, 9, 11-12, 19, 21-22, 24, 28-29, 31, 39-40, 46-47, 61, 65-66, 68, 82, 85, 97, 106, 109, 129, 131, 133, 135-136, 141, 144, 160-161, 166-168, 170, 172, 181-182, 203, 224-254 (adopted) 1236
 Persl 9, 18-19, 24, 31, 39, 61, 109, 131, 141, 144, 181, 203 (proposed temporary rules) 50
 Persl 9, 18-19, 24, 31, 39, 61, 109, 131, 135-136, 141, 144, 181, 203 (adopted temporary rules) 308
 Persl 9, 18-19, 24, 31, 39, 61, 109, 131, 135-136, 141, 144, 181, 203 (adopted temporary rules) 949
 Persl 275-285 (proposed) 92
 Persl 275-282 (adopted) 1494

TITLE 3 AGRICULTURE

Part 1 Agriculture Department

3 MCAR §§ 1.0109-1.0113 (proposed) 1394
 3 MCAR § 1.0338 (proposed) 1246
 3 MCAR §§ 1.0563-1.0568 (proposed) 248
 3 MCAR §§ 1.0563-1.0568 (adopted) 948
 3 MCAR §§ 1.0583-1.0585 (proposed) 694
 3 MCAR §§ 1.0583-1.0585 (adopted) 1615
 3 MCAR §§ 1.0600-1.0603 (proposed) 1459
 Emergency Rules 1, 2 (adopted emergency rules) 128
 3 MCAR § 1.1188 (adopted) 1781

Part 2 Livestock Sanitary Board

3 MCAR §§ 2.002, 2.005, 2.042 (proposed) 194
 3 MCAR §§ 2.002, 2.040 (proposed) 930
 3 MCAR § 2.002 (adopted) 1807
 3 MCAR §§ 2.005, 2.042 (adopted) 1393
 3 MCAR § 2.041 (adopted) 915

TITLE 4 COMMERCE

Part 1 Commerce Department

BD 226, 227 (proposed) 177
 INS (worker's compensation rates) 1804
 INS 90, 92 (proposed) 183

INS 90, 92 (adopted) 1164
 INS 150 (proposed temporary rules) 1051
 INS 150 (adopted temporary) 1494
 INS 150 (proposed) 1782
 INS 180-188 (proposed) 178
 INS 200-207, 225-235 (proposed) 1672
 Uniform Conveyancing Blanks 1463
 SDiv 1501, 1503, 1505-1506, 1508-1509, 1511, 1513, 2011, 2027, 2138 (proposed) 1520

Part 3 Public Service Department

PSC 2, 5 (adopted) 977
 PSC 120, 122-124, 128 (adopted) 1050
 PSC 179-183 (adopted) 1874
 PSC 390-395 (adopted) 834

Part 4 Cable Communications Board

MCCB 2, 20, 46-55, 61-62, 64-77, 80, 91, 99, 103, 111-113, 121, 134, 136, 166-168, 170-171, 201, 225 (adopted) 1028

Part 5 Abstractors Board

Abs 1-10 (adopted) 1378

Part 6 Accountancy Board

Accy 5, 8, 12, 18-19, 30, 40, 43-46, 50, 60, 63, 70-74, 80-84, 110-112, 120-121, 140-141, 150-151, 220-429 (adopted) 145
 Accy 150, 160 (adopted) 1028
 Accy 150 (proposed) 1878

Part 7 Board of Architecture, Engineering, Land Survey and Landscape Architecture

AE&LS 9 (proposed) 678

Part 8 Barber Examiners Board

BE 1-15, 26-31, 33, 42-45, 56-66, 77-79 (proposed) 410
 BE 1-15, 26-31, 33, 42-45, 56-66, 77-79 (adopted) 1164

Part 9 Boxing Board

4 MCAR §§ 9.101-9.124, 9.201-9.215, 9.301-9.306, 9.401-9.411, 9.501-9.518, 9.601-9.611 (proposed) 916

Part 10 Cosmetology Board

MSBC 1-8, 20-29, 40-42, 60-66 (proposed) 35
 MSBC 1-8, 20-30, 40-42, 60-66 (adopted) 1029
 MSBC 64 (errata) 164

TITLE 5 EDUCATION

Part 1 Education Department

5 MCAR §§ 1.0552-1.0559, 1.05599 (proposed) 1541
 5 MCAR §§ 1.0741-1.0745 (proposed temporary rules) 1402
 5 MCAR §§ 1.720-1.725 (proposed temporary rules) 251
 EDU 8 (repealed) 1539
 EDU 330 (repealed) 1540
 EDU 44, 764, 767-769 (adopted) 915
 EDU 741, 743 (adopted) 693
 5 MCAR §§ 1.0010, 1.0720-1.0725 (proposed) 1051
 5 MCAR §§ 1.0070-1.00791, 1.00801, 1.00811, 1.00821, 1.00831, 1.0084-1.0086, 1.0100-1.0109, 1.01101, 1.0111-1.0116 (proposed) 1056
 5 MCAR §§ 1.0720-1.0724 (adopted temporary) 753
 5 MCAR §§ 1.0720-1.0724 (adopted temporary) 1236
 5 MCAR § 1.0762 (proposed) 1540
 5 MCAR § 1.0765 (repealed) 1540
 5 MCAR §§ 1.0764, 1.0767-1.0769 (adopted temporary) 305

Part 2 Higher Education Coordinating Board

5 MCAR §§ 2.0101-2.0108, 2.0301-2.0310, 2.0401-2.0407, 2.0501-2.0507, 2.0601-2.0607, 2.0801-2.0806 (proposed) 697

MCAR AMENDMENTS AND ADDITIONS

5 MCAR §§ 2.0101-0108, 2.0301-0310, 2.0401-2.0407, 2.0501-2.0507, 2.0601-2.0607, 2.0801-2.0806 (adopted)	1873
5 MCAR §§ 2.1001-2.1008 (proposed)	1096
HECB 101-103, 105-108, 301-310, 401-407, 501-507, 601-607 (proposed)	697

Part 3 Teaching Board

5 MCAR §§ 3.001, 3.003-3.015, 3.020-3.031, 3.041, 3.050- 3.054, 3.060-3.086, 3.102-3.103, 3.130 (proposed)	311
5 MCAR §§ 3.002-3.003, 3.106, 3.108-3.109 (adopted)	915
5 MCAR §§ 3.073, 3.106, 3.108, 3.130, 3.131 (proposed)	1897

Part 4 State University Board

SCB 101-110, 201-212, 251-255, 301-309, 321-328, 401-404, 421-423, 431-433, 501-506, 601-604, 701-714, 751-753, 801-805, 901-904, 1001-1014 (proposed)	1223
--	------

Part 5 Arts Board

MSAB 1-8 (adopted)	31
------------------------------	----

Part 6 Zoological Garden

Zoo 101-105, 201-206, 301-307, 401-409, 501-505, 601-615, 701-702 (proposed)	1266
---	------

TITLE 6 ENVIRONMENT

Part 1 Natural Resources Department

NR (unnumbered) (proposed)	1732
NR 51, 56 (proposed)	441
NR 51, 56 (adopted)	1593
NR 2600, 2610, 2620, 2630, 2640 (adopted)	174
NR 2700, 2710, 2720 (adopted)	1664
NR 5020-5026 (proposed)	201
NR 5300 (proposed)	287
NR 10 (proposed)	777

Part 2 Energy Agency

EA 301-315 (adopted)	1038
EA 601-641 (adopted)	1444
EA 601-641 (adopted)	1618
EA 701-705, 711, 721, 731-737, 741-743, 781, 791 (proposed)	1549
EA 1001-1005, 1011, 1021, 1031-1033, 1040-1045, 1050-1055, 1060-1065, 1091 (proposed)	1560
6 MCAR §§ 2.1101-2.1105, 2.1111, 2.1121, 2.1131-2.1135, 2.1141-2.1144, 2.1146-2.1149, 2.1151-2.1154, 2.1156- 2.1159, 2.1181, 2.1186, 2.1191 (proposed)	1808

Part 3 Environmental Quality Board

MEQC 72, 73, 76-80, 82 (adopted emergency)	501
MEQC 71-82 (proposed)	508

Part 4 Pollution Control Agency

APC 4, 11 (errata)	135
WPC 43 (proposed)	94
HW 1-10 (proposed)	521
SW 1-4, 6, 7 (proposed)	616
WPC 38 (adopted)	833
WPC 40 (proposed)	710
WPC 34 (proposed)	1737

Part 5 Water and Wastewater Operator

Certification Council

WWOB 1 (proposed)	674
WWOB 1 (adopted)	1730

Part 6 Metropolitan Waste Control

Commission

MWCC 2 (proposed)	518
MWCC 2 (adopted)	1287

Part 7 Soil and Water Conservation Board

SWC 1-5 (proposed temporary rules)	970
SWC 1-5 (proposed)	1422
SWC 1-5 (adopted temporary rules)	1457

TITLE 7 HEALTH

Part 1 Health Department

MHD 139 (proposed)	674
MHD 139 (adopted)	1200
MHD 145-149 (emergency rules)	381
MHD 145, 147, 149-150, 195, 198, 246-254 (adopted)	1046
7 MCAR §§ 1.174-1.178 (proposed)	1252
MHD 181-186 (adopted)	1284
MHD 220, 224 (proposed)	926
MHD 220, 224 (adopted)	1726
MHD 268, 279, 294, 304-306, 314-315, (proposed)	420
MHD 268, 279, 294, 304-306, 314-315 (adopted)	1165
7 MCAR § 1.370 (adopted)	832
7 MCAR §§ 1.521-1.527 (adopted)	829
MHD 536-538 (adopted)	1659

Part 4 Medical Board

7 MCAR § 4.012 (proposed)	309
7 MCAR § 4.012 (adopted)	1613

Part 5 Nursing Board

7 MCAR §§ 5.1002-5.1004, 5.1032-5.1036, 5.1060-5.1061, 5.1063, 5.1080, 5.1091, 5.2002-5.2003, 5.2005, 5.2030-5.2036, 5.2040, 5.2050-5.2051, 5.2053, 5.2070, 5.2082 (proposed)	228
7 MCAR §§ 5.1002-5.1004, 5.1012, 5.1030, 5.1032-5.1036, 5.1060-5.1061, 5.1063, 5.1080, 5.1091, 5.2002-5.2003, 5.2005, 5.2030-5.2036, 5.2040, 5.2050-5.2051, 5.2053, 5.2070, 5.2082	1874
7 MCAR §§ 5.1010, 5.1011, 5.1030-5.1033 (proposed)	755

Part 6 Nursing Home Administration Board

NHA 10, 22-23 (proposed)	1479
------------------------------------	------

Part 7 Optometry Board

OPT 1-8 (proposed)	44
OPT 1-8 (adopted)	1669

Part 8 Pharmacy Board

PHARM 1-4, 6-13, 21, 25-28, 31, 33, 36-37, 40-41, 43-46, 51, 61, 101-106, 111-118 (adopted)	1136
Pharm 51 (proposed)	1594

Part 9 Podiatry Board

7 MCAR § 9.002 (proposed)	442
-------------------------------------	-----

Part 11 Veterinary Board

7 MCAR §§ 11.001-11.008 (adopted)	1243
---	------

TITLE 8 LABOR

Part 1 Labor and Industry Department

LS 1-9, 12, 14-18 (proposed)	189
LS 1-9, 12, 14-18 (adopted)	1139
FEA 1, 3, 7-8, 13, 16, 22, 27, 29, 44, 57 (proposed)	187
FEA 1, 3, 7-8, 13, 16, 22, 27, 29, 44, 57 (adopted)	1593
MOSHC (emergency temporary standard)	1664
MOSHC 1 (emergency rule)	145
MOSHC 1 (adopted)	969
MOSHC 1 (withdrawn)	1378
MOSHC 1 (proposed)	1380
MOSHC 1 (adopted)	1729
MOSHC 270-283, 290-306, 310-317, 320-336 (proposed)	149

Part 3 Public Employment Relations Board

PERB 1, 3, 10, 35, 40-41, 50, 55 (proposed)	931
---	-----

MCAR AMENDMENTS AND ADDITIONS

Part 4 Department of Economic Security

8 MCAR § 4.0010 (proposed) 1147

TITLE 9 LAW

Part 2 Hearing Examiners Office

HE 102-112, 203-206, 209-214, 216-218, 222 (proposed) 382
 HE 401-418 (adopted temporary rules) 85
 HE 401-418 (proposed) 382
 HE 401-418 (adopted) 1798

TITLE 10 PLANNING

Part 1 State Planning Agency

10 MCAR §§ 1.305-1.306 (adopted temporary rules) 146
 10 MCAR §§ 1.305-1.306 (adopted) 673
 10 MCAR §§ 1.305-1.310 (proposed) 1640

Part 3 Municipal Board

MMC 20 (proposed) 1731

Part 4 Metropolitan Council

MC 1-11 (proposed) 1355

TITLE 11 PUBLIC SAFETY

Part 1 Public Safety Department

DES 94, 129-130, 140-141 (adopted) 1167
 DES 94, 129-130, 140-141 (proposed) 443
 11 MCAR §§ 1.5067-1.5070 (proposed) 891
 MoVeh 58 (adopted) 33
 MoVeh 70-82 (adopted) 145
 Liq 1-3, 24-35, 38-39, 56, 67, 71-77, 83-84, 92, 95, 98-100, 123 (proposed) 96

Part 2 Corrections Department

CORR 4-12 (adopted) 84
 CORR 4 (errata) 135
 CORR 100-112 (adopted) 1842
 CORR 200-203 (emergency rules) 407
 CORR 200-203 (adopted temporary rules) 969

Part 3 Crime Control Planning Board

CCPB 100-109 (proposed) 1631

TITLE 12 SOCIAL SERVICE

Part 2 Public Welfare Department

DPW 1 (adopted) 1168
 DPW 3 (adopted) 1182
 DPW 17 (proposed) 1404
 DPW 30 (proposed temporary rule) 132
 DPW 33 (proposed temporary rule) 133
 DPW 30A, 33A (adopted temporary) 754
 DPW 30 (30A), 33 (33A) (adopted) 1168

DPW 30 (proposed) 1634
 DPW 43 (proposed) 1755
 DPW 44 (errata) 998
 DPW 47 (adopted) 353
 DPW 47 (proposed) 677
 DPW 47 (adopted) 1617
 DPW 49 (proposed temporary rule) 234
 DPW 49 (proposed) 617
 DPW 49 (adopted) 245
 DPW 49 (proposed temporary rule) 1596
 DPW 49 (proposed temporary rule) 1828
 DPW 49A (adopted temporary) 507
 DPW 52 (adopted) 34
 DPW 56, 60-62 (proposed) 1100
 DPW 60 (adopted temporary) 1239
 DPW 94, 104, 116, 125, 128, 131-132, 140-141 (proposed) 455
 DPW 94, 104, 116, 125, 128, 131-132, 140-141 (adopted) 1189
 DPW 125, 126, 128, 130-132, 135, 140 (proposed) 633
 DPW 125, 126, 128, 130-132, 135, 140 (adopted) 1496
 DPW 160 (proposed) 60
 DPW 160 (proposed) 160
 DPW 160 (errata) 164
 DPW 162 (proposed) 1751
 DPW 171, 200, 210-218 (adopted) 1093

Part 3 Housing Finance Agency

MHFA 1-17, 31-36, 51, 61-69, 111-115 (adopted) 306
 MHFA 120 (proposed) 675
 MHFA 120-121 (adopted) 1873
 MHFA 131-135 (proposed) 1359
 MHFA 131-135 (proposed) 1575

TITLE 13 TAXATION

Part 1 Revenue Department

Tax S&U 101, 104, 107-109, 112, 115-117, 202, 204, 207-208, 211-212, 302, 401, 404, 407, 408, 411, 415, 421-422, 508, 510-511, 601, 604, 607-610 (proposed) 1288

Part 2 Tax Court

13 MCAR §§ 2.001-2.00 (proposed) 1260
 13 MCAR §§ 2.001-2.017 (adopted) 1877

TITLE 14 TRANSPORTATION

Part 1 Transportation Department

14 MCAR §§ 1.4025-1.4028 (proposed temporary rules) 892
 14 MCAR §§ 1.4025-1.4028 (adopted temporary rules) 1200
 14 MCAR §§ 1.4025-1.4028 (adopted temporary rule) 1515
 14 MCAR §§ 1.4025-1.4028 (proposed) 1781
 14 MCAR § 1.5041 (proposed) 1360
 14 MCAR § 1.5041 (adopted) 1894

EXECUTIVE ORDERS LIST

The following is a cumulative listing of all executive orders published in the *State Register* from Volume 2, Issue 1, to the present issue. The listing is arranged in numerical order by executive order number.

Executive Order No.	Issue Number	Page Number
144A (amending 144)	27	1352
149	3	125
150	3	126
151	7	285
152	10	405
153	10	406
156	16	805
157	21	1008
158	19	964
159	19	965
160	19	966
161	21	1026
161	27	1353
162	22	1092
164	27	1354
165	31	1441
166	32	1493
167	33	1513
168	36	1657

RULES

Pursuant to the provisions of Minn. Stat. § 15.0411 to § 15.052, all rules, amendments to rules, or suspensions or repeals of rules become effective after all requirements described in Minn. Stat. § 15.0412, subd. 4 have been met and five working days after publication in the *State Register*, unless a later date is required or specified.

If the rule as adopted does not differ from the proposed rule as previously published in the *State Register*, a notice of adoption as proposed and a citation to the previous publication is considered sufficient as publication of the adopted rule, suspension or repeal.

If the rule as adopted differs from the proposed rule, the adopted rules or subdivisions thereof which differ from the proposed rule are published along with a citation to the *State Register* publication of the proposed rule.

Pursuant to Minn. Stat. § 15.0412, subd. 5, temporary rules take effect upon approval of the Attorney General. As soon as practicable, notice of the Attorney General's decision and the adopted temporary rule are published in the *State Register*, as provided for adopted rules. Temporary rules are effective for only 90 days and may be reissued for 90 days.

Department of Transportation

Adopted Temporary Rule Relating to Establishing a Program of State Grants for the Development of Local Bicycle Trails (Bikeways)

Order Adopting Temporary Rule

Laws of 1977, ch. 421, § 5, subd. 2 authorizes the Commissioner of Transportation to establish by rule pursuant to Minn. Stat. § 15.0412 (1977 Supp.) procedures for the administration of grants to units of government as defined in Section 2 of the Act for the betterment of public land and improvements needed for local bicycle trails.

Notice was given that the Commissioner requested public comment relating to the proposed rules on January 9, 1978 (2 S.R. 1360). After affording interested persons an opportunity to present written and oral data, statements and arguments; having considered all of the evidence adduced and upon the records, files and proceedings herein, applicable statutory standards or criteria; having confirmed the emer-

gency need for the above captioned rules and the reasonableness thereof; and having submitted the temporary rules to the Attorney General pursuant to Minn. Stat. § 15.0412, subd. 5,

Now, Therefore, please be advised that the rules published in the *State Register*, Vol. 2, p. 1360, January 9, 1978 (2 S.R. 1360) have been amended, were subsequently approved by the Attorney General, and became effective on February 22, 1978. The rules are and were adopted as of that date. The amended rules are ordered to be promulgated as provided in Minn. Stat. § subd. 5.

Jim Harrington
Commissioner of Transportation

March 30, 1978

The rule published at *State Register*, Volume 2, Number 27, pp. 1360-1362, January 9, 1978 (2 S.R. 1360) as a proposed temporary rule is adopted and is identical to its proposed form, with the following amendments:

Rule as Adopted

14 MCAR § 1.5041

D. Grant project eligibility.

1. The grant project requests shall be consistent with the informational requirements of made on application forms prescribed by the department.

2. No project, the construction of which has already at the time of grant application commenced or for which a construction contract has already at the time of application been let, shall be eligible for a grant under this program.

3. There shall be an agreement by the agency to accept the maintenance and operational costs of the bikeway.

4. No grant project located on trunk highway rights-of-way will be eligible.

5. In addition to bikeway structure construction and/or reconstruction, bicycle safety improvement work, shelters, storage facilities and signs may be eligible for grant funding.

6. Project work may be carried out by award of a contract in accord with all applicable laws to the lowest responsible bidder (contract work) or by the applying agency itself (force account work) when the applying agency can demonstrate that such work procedure (force account) is in the best interests of the public, not contrary to any applicable law or ordinance and that there is established an acceptable accounting procedure so as the project costs may be audited.

RULES

7. The agency shall by resolution agree to the terms and conditions consistent with Law of 1977, ch. 421 as specified in the grant approval notification by the Commissioner.

E. Establishment of priority.

1. The commissioner using information furnished by the agency from the grant application document, departmental information systems, and other consultation groups as may be required by law, shall ~~establish~~ assign a statewide priority construction and/or reconstruction to each project application based on need for the project as compared to the other project applications.

2. In the metropolitan area as defined in Minn. Stat. § 473.121, the program shall be developed in accordance with plans and priorities jointly agreed upon between the Metropolitan Council and the department.

G. Grant conditions. If the commissioner determines a grant application is eligible for funding, before any funds are made available to the applicant agency, the following conditions shall be met:

1. A resolution shall be passed by the agency agreeing to the acceptance of the grant in accord with the department's requirements.

2. A guarantee shall be made by the agency that matching funds are available and will continue to be available for its share of the cost of the project until the project is completed.

3. The agency shall agree to continue operation and maintenance of the project after its completion for the benefit of the public.

~~The department may impose other conditions consistent with applicable laws on a grant in addition to those specified above.~~

~~K. Responsibilities of recipient agency: A recipient agency of a bikeway grant shall comply with all existing or subsequent state laws and rules that apply to the project.~~

~~L. K. Any agreement, obligation or contract entered into pursuant to this rule shall remain in full force and effect, notwithstanding expiration of this rule.~~

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Office of the Attorney General

Adopted Form for Proposed Rule Amendments

Exhibit J: Petition for Adoption, Suspension, Amendment or Repeal of Rule

The form published at *State Register*, Volume 1, Number 1, p. 16, July 13, 1976 (1 S.R. 16), is adopted as amended below: (See 2 S.R. 1896)

RULES

Exhibit J: Petition for Adoption,
Suspension or Repeal of Rule

(OFFICIAL USE ONLY)

PROPOSED RULE AMENDMENT MINNESOTA DEPARTMENT OF _____

DATE RECEIVED _____
DATE RESPONDED TO _____
ACTION TAKEN _____
DATE _____

NAME _____

GROUP REPRESENTED OR TITLE _____

ADDRESS _____

I hereby request that the Department named above:

(Check one)

_____ Adopt a new rule governing _____

_____ Suspend Rule _____

_____ Repeal Rule _____

Insert here the new rule or rule change, with the exact wording proposed. Present wording of the rule is to be shown, with all wording that is to be deleted to be shown with a line drawn through the words. All proposed new wording is to be underscored.

(Use additional pages if necessary)

State here in as much detail and as completely as possible the reasons for your request, as the department will use as part of the basis for its decision the explanation or reasons given for your request.

(Use additional space if necessary)

PROPOSED RULES

Pursuant to the provisions of Minn. Stat. § 15.0411 to 15.052, the *State Register* publishes notices of hearing on proposed new or amended rules, including the full text of the new or amended rules, including the full text of the new or amended rule proposed for adoption, at least 30 days before the date set for the hearing.

Pursuant to Minn. Stat. § 15.0412, subd. 4, an agency may, with approval of the chief hearing examiner, incorporate by reference into the text of a rule, provisions of federal law, or rule, or other material which are 3000 words or more in length or would require five or more pages of print in the *State Register* and which are conveniently available to interested persons.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend, or repeal a rule does not allow for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Teaching Proposed Rules Governing Industrial Education Teachers, School Nurses, Interscholastic Sports Coaches in Elementary and Secondary Schools, Approval of Minnesota Institutions to Prepare Teachers, and Those Institutions' Teacher Licensure Programs

Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat. § 15.0412 subd. 4 (Supp. 1977) in the above-entitled matter in the State Office Building, Auditorium, St. Paul, Minnesota 55101 on Saturday, May 20, 1978, commencing at 9:00 a.m. and continuing until all representatives of associations or other interested groups or

persons have had an opportunity to be heard concerning the adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Written material may be submitted without appearing at the hearing and may be submitted and recorded in the hearing record for five (5) days after the public hearing ends.

The Board proposes to adopt, amend, or repeal rules governing Teachers of Industrial Education, School Nurse, Coaches of Interscholastic Sports in the Elementary and Secondary Schools, The Approval of Minnesota Institutions to Prepare Persons for Teacher Licensure, The Approval of Teacher Licensure Programs in Minnesota Institutions which are Approved to Prepare Teachers. The authority of the Board to promulgate the proposed rules is found in Minn. Stat., chs. 15 and 125, as amended. A copy of the proposed amendments and repeals is attached hereto.

Notice of Hearing

Under Minn. Stat. §§ 10A.01 subd. 11 and 10A.03 (1976) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempted to influence administrative action, such as the promulgation of these rules, must register with the State Ethical Practices Board as a lobbyist within five (5) days of the commencement of such activity by the individual.

Public comment will be accepted after presentation of each of the proposed rules.

Copies of the proposed rules are now available and may be obtained by writing to:

Minnesota Board of Teaching
608 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Additional copies of the proposed rules will be available at the door on the date of the hearing.

Board of Teaching

Rules as Proposed

5 MCAR § 3.073 ~~Teacher~~ Teachers of industrial education arts. This rule applies to all persons who teach industrial ~~education~~ arts in grades 5-12.

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

5 MCAR 3.073

A. All candidates for licensure to teach industrial education arts must hold a baccalaureate degree and have successfully completed a program of teacher education which has been approved by the state department of education Minnesota board of teaching.

B. Programs submitted for approval shall include all of the following:

1. A list of program objectives regarding the development of technical knowledge and skill.

2. A list of program objectives regarding the development of educational knowledge and teaching competency.

3. A description of program components describing the activities that are designed to achieve the program objectives.

4. A description of the plan for assessing whether candidates for licensure have developed the required knowledge and skills.

5. A description of the program of clinical experiences for student teachers and interns.

C. The two program options shall include at least the minimum requirements as listed in sections 1. and 2., which follow:

1. A middle school industrial education arts teaching license (valid for teaching grades 5-9) may be granted upon the completion of an industrial education arts teacher education program in which the portions of the program dealing with a., below, constitute at least one-third of the total baccalaureate program and in which there are the following components:

a. Development of technical skills and knowledge in the areas of graphic communications, manufacturing, energy, and construction, and transportation, together with career information, and a knowledge of the socio-economic aspects, of the cultural functions, and of the organizational strategies related to the areas mentioned above, and

b. The selection, adaptation, evaluation and use of strategies and materials for teaching of industrial education arts so that teaching-learning situations for which the teacher is responsible will be consistent with general knowledge about teaching and learning and will be appropriate both to the special needs of the learners and the special characteristics of industrial education arts, and

c. Completion of a supervised practicum teaching experience in middle school industrial arts, and

d. A minimum of one thousand (1000) hours of industrial wage earning experience approved by the teacher education institution or the completion of a minimum of five hundred (500) hours of participation in an industrial internship supervised by the teacher education institution.

2. A secondary school industrial education arts teaching license (valid for teaching grades 9-12) may be granted upon the applicant's completion of an industrial education arts teacher education program in which the portions of the program dealing with a. and b., below, constitute at least one-third of the total baccalaureate program and in which there are the following components:

a. The development of basic technical skills and knowledge in the areas of graphic communications, manufacturing, energy, and construction, and transportation together with career information and a knowledge of the socio-economic aspects, of the cultural functions related to the areas mentioned above, with

b. A concentration in at least one of the above identified areas. A concentration implies participation in learning experiences designed to develop in-depth knowledge and technical skill, and

c. The selection, adaptation, evaluation and use of strategies and materials for the teaching of industrial education arts so that teaching-learning situations for which the teacher is responsible will be consistent with general knowledge about teaching and learning and will be appropriate both to the special needs of the learners and the special characteristics of industrial education arts, and

d. Completion of a supervised practicum teaching experience in a senior high school or secondary vocational center industrial arts, and

e. A minimum of fifteen hundred (1500) hours of industrial wage earning experience in the area of concentration approved by the teacher education institution or the completion of a minimum of seven hundred fifty (750) hours of participation in an industrial internship supervised by the teacher education institution.

e. The provisions of this rule shall not limit teaching to the area of concentration only.

D. Programs may be approved which vary in curricular design provided that program components meet the requirements in A., B., C., above, and that these components provide education personnel who are recommended for licensure with the knowledge, skills, and understandings specified in rules for each licensure area. When the term competency is used, it is understood that other appropriate terms which refer to learning outcomes may be substituted.

PROPOSED RULES

5 MCAR 3.106

Examples of such terms are: knowledge, skills, and understandings.

~~D.~~ E. Issuance of continuing (five-year) license.

1. Persons trained in Minnesota institutions with approved programs in industrial ~~education~~ arts may receive a continuing license by meeting requirements of appropriate rules. (§ 3.001)

2. Persons trained in another state in a regionally accredited institution may receive an entrance license and are subject to the existing requirements for moving from an entrance to a continuing license. (§ 3.001) These persons shall also have their pre-service training program reviewed by the state department of education and complete recommended work, if any is necessary, to make their training consistent with that described above before a continuing license may be granted. It is recommended that this review is made early in the entrance license period.

~~E.~~ F. Renewal of continuing (five-year) license. The continuing license may be renewed according to rules of the board of teaching pertaining to continuing education.

~~F.~~ G. This provision is effective July 1, 1979, for all applicants for entrance licenses.

5 MCAR § 3.106 School nurse.

~~The board of teaching will issue licenses as school nurse to applicants who meet the requirements of this section; § 3.106 A. or § 3.106 B. Nothing in this section shall prohibit a school board from hiring non-licensed registered nurses to provide nurse services under the direction of the superintendent or of a licensed school nurse.~~

~~A.~~ Professional license (for public health nurses).

1. ~~A professional license as school nurse, valid for two years, may be granted to an applicant who fulfills the following requirements:~~

a. ~~Current registration to practice as a licensed registered nurse in Minnesota, and~~

b. ~~A baccalaureate degree from a regionally accredited college or university, and~~

c. ~~Licensed as a public health nurse pursuant to Minn. Stat. § 145.10.~~

2. ~~Renewal of two year license:~~

a. ~~May be renewed for five years after one year of successful experience.~~

~~B.~~ Professional license (for registered nurses who hold a baccalaureate degree).

1. ~~A professional license as a school nurse, valid for two years, may be granted to an applicant who fulfills the following requirements:~~

a. ~~Current registration to practice as a licensed registered nurse in Minnesota, and~~

b. ~~A baccalaureate degree from a regionally accredited college or university.~~

2. ~~Renewal of two year license:~~

a. ~~May be renewed for five years after one year of successful experience.~~

b. ~~A minimum of nine quarter or six semester hours of credit in college courses which must be earned from two of the four following fields:~~

~~Curriculum~~

~~Education of exceptional children~~

~~Educational psychology~~

~~School health instruction or school health program.~~

~~C.~~ The five year professional license may be renewed according to general rules of the board of teaching pertaining to continuing education.

5 MCAR § 3.106 School nurse. (All new material.)

The provisions of this rule shall apply only to persons who are required to be licensed by the Minnesota board of nursing to perform those services being rendered or which shall be rendered by them in a Minnesota public school.

A health service nurse holding a vocational license according to the state plan for vocational education and practicing at the post-secondary level is exempt from the provisions of this rule.

A. The board of teaching may grant licenses as school nurse to applicants who meet the requirements of § 3.106

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

5 MCAR 3.106

which follow. All persons employed as nurses by school districts shall hold a valid Minnesota license as a school nurse.

B. A license as school nurse, valid for two years, may be granted to an applicant who provides evidence to the director of teacher licensure that the following requirements have been met:

1. A baccalaureate degree from a regionally accredited college or university, and

2. Current Minnesota registration to practice as a licensed registered nurse, and certification as a Minnesota public health nurse, and

3. Satisfactory completion of at least three quarter hours, or the equivalent, of work in each of the following areas:

Child growth and development
Public health
Special education

C. Issuance of the first five-year license.

1. An applicant holding a valid two-year license as a school nurse may be granted a five-year license after one year of successful experience.

D. The five-year continuing license may be renewed according to rules of the board of teaching pertaining to continuing education.

E. Maintaining licensure.

1. In order to retain licensure as a school nurse, current registration as a registered nurse and certification as a Minnesota public health nurse must be maintained at all times. Lapse of such registration or licensure shall be grounds for revocation of licensure as a school nurse.

2. Persons without baccalaureate degrees who hold valid licenses as school nurses may continue to renew their licenses under paragraph D., provided that requirements for renewal are met. However, if such licenses are allowed to lapse, persons must meet licensure requirements set forth in paragraph B., above.

F. Effective date: July 1, 1980.

G. In order to provide for registered nurses serving as school nurses at the time this rule is adopted, a license as school nurse, valid for two years, may be granted to an applicant who fulfills the following requirements:

1. Current registration to practice as a licensed registered nurse in Minnesota, and

2. Evidence of employment as a school nurse, while holding a license to practice as a registered nurse, in Minnesota schools for at least two years of full-time service, or the equivalent, during the seven years immediately preceding July 1, 1980.

3. The first five-year license may be issued:

a. After one year of successful experience while holding the two-year license, and

b. Satisfactory completion of at least three quarter hours, or the equivalent, of work in each of the following areas:

Child growth and development
Public health
Special education, and

a minimum of 21 quarter hours, or the equivalent, of additional work in two or more of the following fields:

Health curriculum
School health or school nursing
Public health
Special education
Educational psychology

4. The first five-year license may be issued to applicants who have completed a. and b., above. If an applicant has been unable to complete requirements set forth in b., above, during the period of the initial two-year license, not more than one additional two-year license may be granted during which time requirements must be met or licensure as a school nurse shall lapse until such time as requirements are met.

5. The five-year continuing license may be renewed according to rules of the board of teaching pertaining to continuing education.

6. In order to retain licensure as a school nurse, current registration as a registered nurse, or certification as a Minnesota public health nurse must be maintained at all times. Lapse of such registration or certification shall be grounds for revocation of licensure as a school nurse.

7. The provisions of section G. shall pertain until July 1, 1982, when section G. shall be deleted from § 3.106 without further action by the board of teaching and all applicants shall, from that date forward, qualify for licensure as school nurse under § 3.106 A., B., C., D., and E.

~~5 MCAR § 3.108 Public school athletic coaches~~

PROPOSED RULES

5 MCAR 3.108

A. A teacher in a secondary school who is head coach in any of the following areas: football, basketball, track, hockey, wrestling, baseball, shall be licensed either through professional preparation in the physical education major or minor program, or through a special coaching requirement in physical education.

1. The special coaching requirement is acceptable when the approved preparing institution certifies to the commissioner of education that such person has completed, in addition to his regular teacher education program, not less than nine quarter hours in courses of which principles of physical education is required, and the remaining courses selected from at least two of the following four areas:

- Administration of athletics
- First aid and prevention and care of athletic injuries
- Human science
- Coaching and athletic techniques.

B. Effective with the 1966-67 school year, such licensure of new head coaches as stated above shall become mandatory. This requirement does not apply to teachers contracted for as head coaches prior to September 1, 1966.

5 MCAR § 3.108 Coaches of interscholastic sports in the elementary and secondary schools. (All new material.)

A. Each person employed as a coach of interscholastic sports, K-12, full-time or part-time, shall hold a valid coaching license. There shall be two classes of licenses:

1. Head varsity coach. The coach who has the primary responsibility for a senior high school varsity interscholastic sport.

2. Non-varsity head or assistant coaches. All coaches other than head varsity coaches including varsity assistants and head or assistant coaches of interscholastic sports in all other levels, K-12.

B. Interscholastic sports include those in which there is practice on a regular basis, and scheduled competition is against athletic teams of another school both within and outside the school district.

C. Each candidate for an entrance coaching license must have a baccalaureate degree, have a valid Minnesota teaching license as an elementary or secondary school classroom teacher, and have satisfactorily completed a program to prepare coaches which has been approved by the board of teaching.

D. Varsity indicates the primary team representing a senior high school in an interscholastic sport. If participants in an interscholastic sport at the senior high school level are divided into teams by the sex of the participants, there shall be one varsity men's team and one varsity women's team.

E. Head varsity coach.

1. All candidates recommended for head varsity coaching entrance licensure shall have satisfactorily completed a program approved by the board of teaching consisting of at least 12 quarter hours or the equivalent which provides for the development and evaluation of competencies in all of the following areas:

a. First aid and prevention and care of athletic injuries.

(1) Skills to render emergency care (first aid).

(2) Professional and legal responsibilities of the coach for the prevention of injuries and rehabilitation under medical supervision.

b. Science of sport.

(1) Principles of anatomy and kinesiology as related to athletic performance.

(2) Principles of exercise physiology as related to athletic performance.

c. Theory and practice of sport techniques.

(1) Specific skills, techniques, rules, and strategies of one or more sports.

(2) Basic mechanics of officiating in one or more sports.

d. Psychology of sports and coaching.

(1) Basic human psychological and sociological principles of coaching.

(2) Motivational techniques.

(3) Relationship of learning theories to athletic experience.

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

5 MCAR 3.108

e. Philosophy of sports and coaching.

(1) Historical and emerging roles of men and women in sports and the values developed from participation.

(2) Interrelationship of athletics with the total educational program.

f. Administrative aspects of coaching.

(1) Appropriate state and federal legislation related to athletics.

(2) Rules of appropriate governing organizations.

(3) Sample local school system athletic rules in areas of insurance, transportation, accident reporting, budget procedures, equipment maintenance, methods of scheduling, and utilization of facilities.

(4) Public relations procedures relating to students, faculty, community, and media.

2. Field experience. Satisfactory completion of a supervised field experience in coaching consisting of no fewer than 40 clock hours.

F. Non-varsity head or assistant coaches.

1. All candidates recommended for non-varsity head or assistant coaching entrance licensure shall have satisfactorily completed a program approved by the board of teaching consisting of least 6 quarter hours or the equivalent which provides for the development and evaluation of competencies in first aid and the care and prevention of athletic injuries and in at least one of the following areas:

a. Theory and practice of sport techniques.

(1) Specific skills, techniques, rules, and strategies of one or more sports.

(2) Basic mechanics of officiating in one or more sports.

b. Psychology of sports and coaching.

(1) Basic human psychological and sociological principles of coaching.

(2) Motivational techniques.

(3) Relationship of learning theories to athletic experience.

G. Evidence shall be provided to show that programs submitted for approval have been developed with participation from professional organizations, elementary school teachers, secondary school teachers, administrators in schools which work with the training institutions, students, and interested citizens.

H. Programs submitted for approval shall include all of the following:

1. A statement of rationale which sets forth the view of the institution with respect to the role of coaches.

2. An enumeration of specific competencies to be developed in the proposed program including competencies in each of the categories listed in E. and F. above.

3. Evidence that the faculty providing the instruction are qualified by academic preparation and experience for the instructional areas to which they are assigned.

4. A description of program components which includes statements which specifically relate individual components of the program to the competencies required of all prospective coaches.

5. A plan for assessing individual candidate's development of the required competencies.

I. Programs may be approved which vary in curricular design provided that program components meet the requirements in sections A. through H. above, and that these components provide educational personnel who are recommended for licensure with the knowledge, skills, and understandings specified in rules for each licensure area. When the term competency is used, it is understood that other appropriate terms which refer to learning outcomes may be substituted. Examples of such terms are: knowledge, skills, and understandings.

J. Alternative route to licensure.

1. Notwithstanding the provisions of the rule governing institutional approval, a local school district or combinations thereof may submit through local continuing education/relicensure committees to the board of teaching for approval programs of preparation which meet the requirements for program approval described in H. above. The district or districts shall also describe the system by which the verification of satisfactory completion of the approved program shall be reported to the director of teacher licensing. Such programs shall include preparation in all of the areas described in E. and/or F. above.

2. Evidence shall be provided to show that the program submitted for approval has been developed in cooperation with the local continuing education/relicensure commit-

PROPOSED RULES

5 MCAR 3.130

tee as well as with the participation of elementary and secondary school teachers, licensed coaches, administrators, and interested citizens in the district or districts which are requesting the approved program.

a. To qualify for head varsity coach licensure, a teacher shall complete a minimum of 120 clock hours of instruction plus 40 clock hours of supervised field experience. Such instruction and field experience shall be consistent with the minimum requirements set forth in E., above.

b. To qualify for non-varsity head or assistant coach licensure, a teacher shall complete a minimum of 60 clock hours of instruction. Such instruction shall be consistent with the minimum requirements set forth in F., above.

c. Programs submitted for approval shall include procedures by which persons may have their previously completed college course work evaluated to determine its equivalence to components in the local school district program which meet the requirements of E. and/or F., above.

3. Local districts may contract with institutions which are approved to prepare coaches of interscholastic sports to provide the program of instruction described in J., above. Requests for licensure under contracted programs shall be processed in accordance with the system set forth as part of J. 1. and 2., above.

K. The issuance of the first continuing license is contingent upon:

1. The candidate's possession of a valid entrance license as a coach, and

2. One complete athletic season of experience in coaching an interscholastic sport during the time that the applicant holds the entrance license as a coach.

L. The continuing license may be renewed according to the rules of the board of teaching pertaining to continuing education.

M. The provisions of this rule are effective on July 1, 1979, for applicants for all entrance coaching licenses.

N. Persons who hold a coaching license which is valid on the effective date of this rule shall, upon application on or before the expiration of the license, be issued a license as a head varsity coach.

5 MCAR § 3.130 The approval of Minnesota institutions

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

to prepare persons for teacher licensure. (All new material.)

A. Licenses to teach in Minnesota may be granted to persons who complete approved programs leading to teacher licensure in Minnesota institutions which are approved by the Minnesota board of teaching to prepare persons for teacher licensure in accordance with the provisions of this rule.

B. A Minnesota institution which is required to obtain authorization from the higher education coordinating board to grant degrees must provide evidence of such authorization prior to requesting approval from the board of teaching to prepare persons for teacher licensure. Such authorization must be maintained by the institution during the approval period granted by the board of teaching.

C. Each degree-granting Minnesota institution requesting approval to prepare persons for teacher licensure shall be evaluated for initial approval and thereafter shall be evaluated for continuing approval in accordance with the provisions of this rule.

D. Initial or continuing approval to prepare persons for teacher licensure may be granted by the board of teaching to an institution for a period of ten years. At least one year prior to the expiration of the approval period, the institution shall submit a request to the board of teaching for continuing approval and shall be evaluated in accordance with the provisions of this rule.

E. Each Minnesota institution requesting initial or continuing approval to prepare persons for teacher licensure shall forward from the chief administrative officer of that institution to the board of teaching a written report which shall be used to verify the capability of the institution to prepare persons for teacher licensure in Minnesota. This written report shall include:

1. A statement that the mission of the institution includes a commitment to the preparation of persons for teacher licensure.

2. Evidence that sufficient financial resources are allocated to support the institutional programs for preparing persons for teacher licensure.

3. Evidence that institutional requirements in liberal or general education for persons enrolled in programs leading

PROPOSED RULES

5 MCAR 3.130

to teacher licensure are equivalent to the requirements of persons enrolled in programs other than teacher licensure.

4. A description of institutional administrative organization which demonstrates that:

a. The control of teacher licensure programs is exercised by a defined administrative and instructional unit, such as a department, division, school, or college of education. Such defined unit has responsibility for planning, developing, coordinating, implementing, and evaluating teacher licensure programs.

b. The administrator of such defined unit is authorized to submit teacher licensure program proposals to the board of teaching for approval and is responsible for administering teacher licensure programs as approved by the board of teaching.

c. The administrator of such defined unit is authorized to recommend for teacher licensure those persons who have completed teacher licensure programs which have been approved for that Minnesota institution by the board of teaching.

d. The institution has a defined institutional policy-making body which is responsible for approving teacher licensure programs for submission to the board of teaching.

e. The institution establishes and maintains a teacher education committee to assist in the design, development, revision, and ongoing evaluation of teacher licensure programs within the institution. Such committee includes college personnel, licensed practicing teachers, school administrators, and interested citizens.

5. A description of the institutional student services, which demonstrates that:

a. The institution has established and maintains a process for admission and retention of persons in teacher licensure programs, including the application of specific criteria for admission and retention, and a defined student appeals process.

b. The institution has established and maintains complete, accurate, and current records of persons in teacher licensure programs which provide information to support decisions with respect to admission, retention, and recommendation for teacher licensure.

c. The institution has established and maintains an advisory system which provides assistance in planning programs of study for each person enrolled in teacher licensure programs.

d. The institution has established and maintains placement services, including maintenance of credentials, information regarding trends in employment, and information regarding employment opportunities.

6. Evidence that the institution assigns faculty qualified by academic preparation to support the teacher licensure programs offered by the institution.

7. Evidence that the qualifications and the teaching load of the faculty assigned to the professional education component of each teacher licensure program are equivalent to those established for all faculty within the institution.

8. Evidence that part-time and adjunct faculty assigned to each teacher licensure program are employed only when there is a need which is not represented on the full-time faculty, or when there is a need for temporary additional service, or to complement regular full-time faculty.

9. A description of the foundational component of professional education which demonstrates that persons enrolled in teacher licensure programs are provided instruction in the foundations of education and that such persons successfully complete the foundational component of professional education.

10. A description of the student teaching experience, identifying the documentation available which demonstrates that:

a. Persons enrolled in teacher licensure programs which require a student teaching experience complete such supervised experience in the licensure field and at the licensure level for which they are to be recommended for licensure.

b. Supervision of student teaching experiences is under the control and direction of faculty assigned to the professional education component of teacher licensure programs. Student teaching experiences are also supervised by practicing teachers who hold at least a continuing license in the licensure field and at the licensure level for which they supervise.

c. Student teaching experiences are evaluated by the persons enrolled in teacher licensure programs and by the faculty and practicing teachers who supervise the student teaching experiences.

11. Evidence that the physical resources are adequate to support the teacher licensure programs offered by the institution.

12. Evidence that the library, audio-visual, and curriculum materials are adequate to support the teacher licensure programs offered by the institution.

PROPOSED RULES

5 MCAR 3.131

13. A description of the institutional procedures for the systematic evaluation of teacher licensure programs, including the periodic survey of graduates who have completed such programs.

14. Evidence that the results of the systematic evaluation of teacher licensure programs, including the periodic survey of graduates, are utilized in the development and possible modification of teacher licensure programs offered by the institution.

15. A description of long-range plans for teacher education projected by the institution.

F. Persons designated as evaluators by the board of teaching staff shall visit the institution for the purposes of verifying the accuracy and completeness of the written report prepared by the institution, writing a report of their findings, and making a recommendation to the board of teaching regarding approval status of the institution. The evaluation team may include representatives from teacher preparing institutions, licensed practicing teachers, interested citizens, and state education agencies. The administrator of the defined administrative and instructional unit of the institution and the board of teaching staff shall negotiate team membership from a slate of possible evaluators provided by the board of teaching staff. If agreement is not reached regarding team membership, the board of teaching shall appoint the slate of team members. The size of the team and the expertise of the members shall be appropriate for the kinds, size, and complexity of programs. Evaluation team visits shall be scheduled in consultation with the institution. Expenses of evaluators shall be reimbursed in accordance with Minnesota state rules. Other expenses, such as those incidental to preparing reports, arranging meetings, and providing workrooms for the team while on campus shall be the responsibility of the institution.

G. The written report of findings and the recommendation of the evaluators shall be forwarded to the institution and to the board of teaching. Within 30 days from the mailing date of the evaluators' report, the institution may submit to the board of teaching additional information or arguments in support of its request. Based upon the written report prepared by the institution, and the written report of findings and the recommendation of the evaluators, the board of teaching shall:

1. Grant initial approval, or
2. Grant continuing approval, or

3. Grant conditional approval, state the conditions, and establish time lines for meeting the stated conditions, or

4. Disapprove the institution, state the reasons for disapproval, and, if needed, stipulate a termination date which shall accommodate persons currently enrolled in teacher licensure programs.

H. If an institution is conditionally approved to prepare persons for teacher licensure, the board of teaching shall reconsider the approval status of the institution upon verification by the executive secretary of the board of teaching that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn.

I. The board of teaching may revoke or suspend the approval of an institution to prepare persons for teacher licensure when the board of teaching determines that an approved institution no longer meets the provisions of this rule.

J. Decisions by the board of teaching regarding approval status of an institution to prepare persons for teacher licensure may be appealed by the institution according to the rules of the board of teaching.

5 MCAR § 3.131 The approval of teacher licensure programs in Minnesota institutions which are approved to prepare teachers. (All new material.)

A. Institutions which have been approved by the Minnesota board of teaching to prepare persons for teacher licensure may request approval of teacher licensure programs. Such programs shall be evaluated for initial approval and thereafter shall be audited for continuing approval in accordance with the provisions of this rule.

B. Each institution shall forward from the administrator of the defined administrative and instructional unit of that institution to the board of teaching a program description for each teacher licensure program for which approval is requested. The teacher licensure program description shall include:

1. A statement which verifies the institutional commitment to the teacher licensure program.
2. A description of the organizational structure of the institution and procedures for implementing the teacher licensure program.

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

5 MCAR 3.131

3. A description of the teaching role for which persons who enroll in the licensure program are being prepared.

4. An enumeration of the specific knowledge, skills, and understandings to be achieved by persons completing the teacher licensure program.

5. A description of the teacher licensure program which relates individual program components to the knowledge, skills, and understandings to be achieved by persons completing the teacher licensure program.

6. A description of the systematic procedure for evaluation of the teacher licensure program which assures that all requirements for teacher licensure have been met by all persons recommended for teacher licensure.

7. A specific identification of the plans for assessing the performance of each person who is to be judged as having successfully completed the teacher licensure program.

8. Evidence that the teacher licensure program forwarded for approval has been developed with participation from the college departments involved with the teacher licensure program, licensed practicing teachers, school administrators, and interested citizens.

9. A description of the procedures to establish and maintain an internal process for systematic evaluation of the teacher licensure program.

C. Each program description forwarded to the board of teaching by an institution for each teacher licensure program for which approval is requested shall include evidence that:

1. Rules of the board of teaching governing the teacher licensure program are met.

2. Persons enrolled in the teacher licensure program are required to be provided instruction in methods of teaching and in the foundations of education. Such persons are also required to successfully complete a series of planned, supervised, and evaluated pre-student teaching and student teaching experiences for which specific learning objectives have been established. Instruction in methods of teaching and student teaching experiences shall be in the licensure field and at the licensure level for which those persons completing teacher licensure programs are to be recommended for teacher licensure. The student teaching requirement applies only to persons completing a program to be recommended for entrance licensure.

3. Necessary faculty and physical resources are allocated to implement and maintain the teacher licensure pro-

gram. Faculty shall be assigned to the component of professional education for which they have academic preparation and teaching experience. In addition, faculty assigned to provide instruction in methods of teaching and supervise student teaching experiences in the teacher licensure program shall have teaching experience at the licensure level of the licensure program. Classroom teachers who supervise student teaching experiences shall hold at least a continuing license in the licensure field and at the licensure level for which they supervise.

D. Before initial approval for the teacher licensure program is granted, the board of teaching staff or persons designated as auditors by the board of teaching staff may visit the institution to examine the teacher licensure program for the purpose of verifying the program description and making a recommendation regarding approval status. During the operation of an approved teacher licensure program, an audit visit to verify that the approved program meets the provisions of this rule may be arranged in consultation with the institution. Auditors shall forward a written report of their findings to the executive secretary of the board of teaching and to the institution.

E. The board of teaching staff, or persons designated as auditors by the board of teaching staff, in consultation with the institution shall make audit visits on a five-year cycle to verify program descriptions and to make a recommendation regarding approval status of each teacher licensure program. Expenses of auditors shall be reimbursed in accordance with Minnesota state rules.

F. Based upon appraisal of the program descriptions prepared by the institution and the written report of the auditors, the board of teaching shall:

1. Grant initial approval, or

2. Grant continuing approval, or

3. Grant conditional approval, state the conditions, and establish time lines for meeting the stated conditions, or

4. Disapprove the teacher licensure program, state the reasons for disapproval, and, if needed, stipulate a termination date which will accommodate persons currently enrolled in said program.

G. If a teacher licensure program is conditionally approved, the board of teaching shall reconsider the approval status of the teacher licensure program upon verification by the executive secretary of the board of teaching that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn.

H. Teacher licensure programs which vary in curricular

PROPOSED RULES

5 MCAR 3.131

design may be approved provided that program components meet the requirements of board of teaching rules for each teacher licensure program, and that these components are designed to provide persons completing each teacher licensure program with the knowledge, skills, and understandings which are enumerated in those rules.

I. When an institution makes revisions in an approved teacher licensure program, the administrator of the defined administrative and instructional unit of that institution shall forward to the executive secretary of the board of teaching a written description of the teacher licensure program revision. An audit shall be made to verify that the revised teacher licensure program continues to meet rules of the

board of teaching. Each verified teacher licensure program revision shall become an amendment to the approved teacher licensure program.

J. The board of teaching may revoke or suspend the approval of a teacher licensure program when the board of teaching determines that an approved teacher licensure program no longer meets the provisions of this rule.

K. Decisions by the board of teaching regarding approval status of a teacher licensure program may be appealed by the institution according to the rules of the board of teaching.

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, when, in preparing to propose rules, an agency seeks to obtain information or opinion from sources outside of the agency, a notice of intent to solicit such information or opinion is published in the *State Register* and interested persons are afforded an opportunity to submit data and views on the subject.

The *State Register* also contains any other official notice requested to be published by an agency, pursuant to Laws of 1977, ch. 305 § 3.

Department of Agriculture

Notice of Intent to Solicit Outside Opinion on the Purchase of Milk on the Basis of Protein and Other Non-Fat Solids

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6 (Supp. 1977) that the Minnesota Department of Agriculture is considering the adoption of rules which would allow the purchasing of whole milk on the basis of non-fat solids contained therein in addition to milk fat per hundredweight. Said rules would, among other things, relate to the testing of protein and other non-fat solids in whole milk as set forth at Minn. Stat. § 32.25 (1976).

All interested parties desiring to submit data or views relating to said proposed rules should address their comments to the Minnesota Department of Agriculture, 430 State Office Building, St. Paul, Minnesota, 55155, by writing or calling the person designated. Evidence submitted for consideration should be pertinent to the matter at hand. Any materials received by the Department will become part of the hearing record.

All interested parties may submit their comments to:

Orlowe Osten, Director
Dairy Industries Division
430 State Office Building
St. Paul, Minnesota 55155
Telephone (612) 296-3647.

Any materials submitted shall be reviewed and considered by the Department of Agriculture during the preparation of proposed rules. Notice of the public hearing on the proposed rules will be published in the *State Register* and, in addition, given to all interested parties who have registered with the Secretary of State's office in accordance with the provisions of the Administrative Procedure Act.

Under the provisions of Minn. Stat. § 15.0412, subd. 6 (Supp. 1977) any individual representing persons or associations attempting to influence administrative action, such as the adoption of proposed rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity. The State Ethics Commission is located at Room 401 State Office Building, St. Paul, Minnesota 55155.

All comments and materials must be received by 4:30 p.m. April 28, 1978.

Bill Walker
Commissioner

Ethical Practices Board

Outside Opinion Solicited Regarding Request for an Advisory Opinion on House of Representatives' "Open Houses"

The State Ethical Practices Board solicits opinions of any individual or association regarding the following request for an advisory opinion prior to review for approval of an advisory opinion.

April 10, 1978

Roger Noreen, Chairman
Ethical Practices Board
41 State Office Building
St. Paul, MN 55155

Dear Roger:

We are writing to request an Advisory Opinion based upon the following facts and hypothetical situation:

Facts:

1. It is the policy of the House of Representatives to encourage members to host "Open Houses" in the House Chamber on Sundays during the interim between the regular legislative sessions. Such Open Houses are held under the auspices of the Office of Educational Services of the House. They frequently include a mock legislative session. The purpose of the program is to afford Minnesota citizens a greater opportunity to visit their Capitol building and the legislative chambers, and to familiarize themselves with the process by which laws are made.

2. It is further the policy of the House that such Open Houses are not permitted during the time of the regular

OFFICIAL NOTICES

session of the legislature, because of possible damage to the microphones and the electronic voting system.

3. The cost of publicizing an Open House is a legitimate expense payable by the House of Representatives, so long as the host member has not exhausted his/her stationery and/or postage allowance.

Hypothetical Situation:

1. An incumbent member of the House hosts an Open House, under the auspices of the Office of Educational Services, on a Sunday after the day of adjournment sine die in an election year.

2. Costs are incurred for press releases, letters to constituents, etc., for the exclusive purpose of publicizing the Open House and inviting and encouraging constituents to attend.

3. Nothing in any of the publicity mentions, directly or indirectly, the member's voting record, legislative proposals, "campaign pledges," etc.

Specific Questions:

1. If the host member or his/her principal campaign committee pays all or part of such costs as outlined above, are they to be considered non-campaign disbursements, i.e., made for "a purpose other than to influence the nomination, election, or defeat of a candidate"?

2. Can it be construed by any rational person that such costs are incurred "for the purpose of influencing the nomination, election, or defeat of a candidate", i.e., campaign expenditures, in light of Fact No. 3 above?

We look forward to your response.

Sincerely,

Michael J. George
State Representative

Jerry Knickerbocker
State Representative

Outside Opinion Solicited Regarding Request for an Advisory Opinion Regarding Statement of Economic Interest

The State Ethical Practices Board solicits opinions of any individual or association regarding the following request for

an advisory opinion prior to review for approval of an advisory opinion.

April 7, 1978

B. Allen Clutter, III
Executive Director, Ethical Practices Board

In reviewing the Statement of Economic Interest, I find that I have two questions I would like the Board to answer. (1) If an individual lists a security in question 9, is it necessary to list that security in item 8, sources of compensation, as well? (2) If a person owns a security of less than \$2500 in value, is he required to list that security under item 8, and if so, under what conditions? Your response would be appreciated.

Representative David Beauchamp
Minnesota House of Representatives

Department of Health

Notice of Filing of Application for Licensure of Emergency Land Ambulance Service

On April 3, 1978, F-M Ambulance Service, Inc., filed application with Warren R. Lawson, M.D., Commissioner of Health, for a license to operate a (an) emergency land ambulance service with a base of operation in Moorhead, Minnesota. This notice is made pursuant to Minn. Stat. § 144.802 (Supp. 1977). Please be advised that subd. 2 of that statute states, in part: The Commissioner may grant or deny the license 30 days after notice of the filing has been fully published. If the Commissioner receives a written objection to the application from any person within 20 days of the notice having been fully published, the license shall be granted or denied only after a contested case hearing has been conducted on the application. The Commissioner may elect to hold a contested case hearing if no objections to the application are received. If a timely objection is not received, the Commissioner may grant or deny the requested license based upon the information contained in the license application. If licensure is denied without hearing, the applicant, within 30 days after receiving notice of denial, may request and shall be granted a contested case hearing upon the application, at which hearing all issues will be heard de novo. Any objections to this service, pursuant to Minn. Stat. § 144.802 (Supp. 1977) may be made in writing to Warren R. Lawson, M.D., within the time period outlined by statute.

Department of Human Rights

Settlement Agreements and Pre-determination Agreements: February 17, 1978 through March 27, 1978

In addition to specific remedies, standard agreements reached prior to a hearing contain the following stipulations:

1. The agreement does not constitute an admission by the respondent of a violation of Minn. Stat. ch. 363.
2. The respondent agrees to abide by the provisions of Minn. Stat. ch. 363.

Settlement Agreements

Department of Human Rights, Complainant, vs. H. M. Smyth Company, Inc., and Bookbinders & Bindery, Women's Local Union #12, Respondents, E1122.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, H. M. Smyth Company, Inc., and her union, Bookbinders & Bindery Women's Local (hereinafter "respondents"), had discriminated against her on the basis of sex by refusing to reinstate her following absence for maternity reasons. The charging party alleged that when the respondent hired her back months after the date she had wanted to return, she was subsequently laid off because of lack of seniority status. The charging party alleged that she had lost her seniority status while absent because of maternity reasons. Following an investigation, the Commissioner of Human Rights found cause to credit the charging party's allegation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed that it would grant a maternity leave of absence to any employee requesting it for a length of time medically required. The length of time shall be the period in which the employee is physically disabled and unable to work due to pregnancy, childbirth, or related medical conditions of the employee.

Department of Human Rights, Complainant, vs. Skaff Development Company, Sam Skaff, Owner, Respondent, H812.

Charge.

A person (hereinafter "charging party") filed a charge alleging that Sam Skaff, owner of Skaff Development Company (hereinafter "respondent"), refused to consider her application to rent an apartment because of her marital status. The charging party alleged that the respondent told her that he did not rent to single persons because single renters had previously damaged property. The Commissioner of Human Rights found probable cause to credit the charging party's allegation following an investigation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to pay the charging party \$100.00.
2. The respondent agreed that he would not refuse to sell, rent, or lease to, or otherwise deny to or withhold from any person or group of persons, on the basis of marital status any real property which he owns or becomes the owner, lessee, sublessee, or managing agent of or which he obtains the right to sell, rent, or lease.
3. The respondent agreed that in any advertisement to sell or lease any property, he would include the phrase "Equal Opportunity Housing".

Department of Human Rights, Complainant, vs. Waconia Public Schools, District 110, Respondent, E3047.

Charge.

Persons (hereinafter "charging parties") filed a charge alleging that their employer, Waconia Public Schools, paid male coaches more than female coaches for the same job duties and work hours. The charging parties also alleged that the budgetary allocations for athletics were more for males than for females and that the criteria used to justify a higher budget for males than females was discriminatory on the basis of sex. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging parties' allegations.

Settlement.

The parties agreed to settle the matter as follows:

1. The respondent agreed to pay to each of the charging parties seven hundred fifty (\$750.00) dollars in negotiated settlement of the charge.

Department of Human Rights, Complainant, vs. Escort Service, Sidney J. Hansen, President, Respondent, E3203.

OFFICIAL NOTICES

Charge.

A person (hereinafter "charging party") filed a charge alleging that Escort Service (hereinafter "respondent") discriminated against her on the basis of sex by refusing to hire her for the position of motorcycle escort. Following an investigation, the Commissioner of Human Rights found cause to credit the charging party's allegation. During the investigation, ownership of the Escort Service transferred.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed that if he ever re-entered the escort service business he would change his employment practices in regard to considering persons for employment so that a prospective applicant, regardless of sex, would be allowed to apply. The applicant would be accepted or rejected on qualifications rather than sex.

Department of Human Rights, Complainant, vs. Minneapolis School District #1, Respondent, ED71.

Charge.

A person (hereinafter "charging party") filed a charge alleging that Minneapolis Independent School District #1 (hereinafter "respondent") refused to allow her son to participate in high school conference football because of a disability, an artificial left leg, which would not endanger either him or other participants or prevent him from participating fully. Following an investigation, the Commissioner of Human Rights found cause to credit the charging party's allegation.

Settlement.

The matter was settled in the following manner:

1. The respondent agreed to adopt a new rule governing the use of a prosthesis by participants in high school football adopted by the Minnesota State High School League, which reads as follows: "Artificial limbs which, in the judgment of the rules administering officials are no more dangerous to players than the corresponding human limbs, and do not place an opponent at a disadvantage, may be permitted."

2. The respondent agreed to disseminate news of the adoption of the new rule above through the mechanisms normally used to inform officials and other interested parties of policy changes.

Department of Human Rights, Complainant, vs. Contour Plastics, Respondent, E4744.

(CITE 2 S.R. 1911)

Charge.

A person (hereinafter "charging party") alleged that her employer, Contour Plastics (hereinafter "respondent"), discriminated against her on the basis of sex by refusing to provide her with disability payments during the time she was unable to work because of pregnancy even though other employees absent because of disabilities received payments. Following an investigation, the Commissioner of Human Rights found cause to credit the charging party's allegations.

Settlement.

The matter was settled in the following manner:

1. The respondent agreed to pay the charging party the gross amount of ninety dollars (\$90.00) per week for a maximum of 26 weeks, less required legal deductions.

Department of Human Rights, Complainant, vs. Ben Franklin, Respondent, E3610.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer terminated her because of pregnancy. The charging party alleged that after she informed the respondent of her pregnancy, she was accused of stealing money from a cash register and terminated because she was not trustworthy. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement.

The matter was settled in the following manner:

1. The respondent agreed to expunge any and all records which indicate that the charging party's performance was anything other than satisfactory.

2. The respondent further agreed to remove or correct any indication given to any other party that the charging party was suspected of theft.

3. The respondent agreed to pay a negotiated settlement of \$1250.00.

Pre-determination agreements

A pre-determination agreement is an agreement reached prior to the Commissioner's finding of probable or no probable cause to credit the allegation(s) contained in a charge of discrimination. It is signed by the charging party, the respondent, and the Commissioner. A pre-determination agreement may be reached through a departmental procedure called the 30-Day Waiver Process. Prior to a formal investi-

OFFICIAL NOTICES

gation by the department, a charging party and a respondent may mutually agree to request that the department waive investigation of a charge for 30 days while the parties attempt to settle the matter.

Department of Human Rights, Complainant, vs. Minnegasco, Minnesota Gas Company, Respondent, E4704.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, Minnegasco (hereinafter "respondent"), discriminated against her because of her sex by denying her temporary promotions to positions usually handled by men and by paying her less than a male was paid for performing the same duties. Prior to a formal investigation, the parties resolved the matter.

Agreement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to promote the charging party.
2. The respondent agreed to compensate the charging party for wages lost due to the delay in her promotion and also due to an incorrect rate having been paid to her.

Department of Human Rights, Complainant, vs. Mag-Con, Inc., Respondent, E2993.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer discriminated against her on the basis of sex by compensating her less than males were compensated who occupied positions of similar status. The charging party further alleged that females employed by the respondent were subject to sexual harassment on the job. The charging party alleged that when she informed the appropriate persons about her unhappiness with the conditions outlined above, she was terminated. Prior to a formal investigation, the parties were able to resolve the matter.

Agreement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to pay the charging party \$1500.00 in negotiated settlement of the charge.

Department of Human Rights, Complainant, vs. Northwestern Bell Telephone Company, Respondent, E4734.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, Northwestern Bell Telephone Company (hereinafter "respondent"), discriminated against her on the basis of sex by refusing to provide benefits for her that are provided for other employees when she was absent from work for pregnancy-related reasons. The charging party provided the respondent with several statements concerning her inability to work because of pregnancy. Prior to a formal investigation, the parties settled the matter.

Agreement.

The parties agreed to settle the matter as follows:

1. The respondent agreed to pay the charging party the sum of \$1008.00 minus payroll deductions and authorized allotments to compensate the charging party for time lost.

Department of Human Rights, Complainant, vs. State Department of Education, Respondent, E3819.

Charge.

A person (hereinafter "charging party") filed a charge alleging that the State Department of Education (hereinafter "respondent") discriminated against her on the basis of sex and national origin by not considering her properly for the position of Consultant for Bilingual Bicultural Education. She was employed by the respondent as a supervisor for identification and recruitment for migrant children when she applied for the position. Prior to a formal investigation, the parties reached an agreement.

Agreement.

The matter was settled in the following manner:

1. The respondent agreed to promote the charging party.
2. The respondent agreed to make the promotional appointment retroactive and compensate the charging party accordingly.

Department of Human Rights, Complainant, vs. International Telephone and Telegraph Corporation, Respondent, E4482.

Charge.

A person (hereinafter "charging party") filed a charge alleging that his employer, International Telephone & Telegraph Corporation (hereinafter "respondent"), terminated him because of his race. The charging party alleged that in

OFFICIAL NOTICES

spite of the fact that his immediate supervisor commended him for the job he was doing, the plant supervisor harassed him and finally terminated him. Prior to a formal investigation, the parties voluntarily resolved the matter.

Agreement.

The parties resolved the matter as follows:

1. The respondent agreed to pay the charging party back wages in the amount of \$4121.84 which the charging party would have earned had he been continuously employed by the respondent.

2. The respondent agreed that when furnishing references for the charging party to future or prospective employers, the respondent would mention only the nature and duration of charging party's employment.

Department of Human Rights, Complainant, vs. Hart Press, Inc., Respondent, E4813.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, Hart Press, Inc. (hereinafter "respondent"), discriminated against her because of her sex by refusing to provide her with disability payments when she was absent from work for a pregnancy-related disability even though she would have normally received such pay had she been absent from work because of illness or disability. Prior to a formal investigation, the parties came to an agreement that was approved by the department.

Agreement.

The charging party and the respondent agreed to settle the matter as follows:

1. The respondent affirmed that it had paid the charging party the sum of \$660.00 for disability benefits for the period of disability.

2. The respondent affirmed that the charging party's group health and disability insurance was continued in force and the total premium paid by the respondent the same as in other disability situations.

3. The respondent agreed to pay the charging party all vacation credits due her during the calendar year 1978 the same as she would have been paid had she not been disabled.

4. The respondent affirmed that the charging party's departmental and plant seniority would not in any way be affected by her absence, and that she retains all seniority rights and privileges.

5. The respondent affirmed that the charging party's

pension and early retirement program with a union was not paid during her period of disability. This is the same procedure followed for any disability in that payment into the program is based on hours worked by the employee. This policy is in accordance with the existing union contract between the respondent and the union.

Department of Human Rights, Complainant, vs. Independent School District #205, Respondent, E4580.

Charge.

Persons (hereinafter "charging parties") filed a charge alleging that their employer, Independent School District #205 (hereinafter "respondent"), discriminated against them by paying them less for coaching girls' basketball than the coach for boys' basketball was paid. The girls' season equalled the length of the boys' season for basketball. Prior to a formal investigation, the parties came to an agreement.

Agreement.

The charging parties and the respondent agreed to settle the matter in the following manner:

1. One charging party received the sum of \$200.00, while the other received \$110.00. This equalized the amount paid to girls' basketball coaches with that of the amount paid to boys' basketball coaches.

Hearing Examiner's Orders

A case that is not settled through conciliation is scheduled for hearing before a state hearing examiner following a complaint issued by the Commissioner and a notice and order for hearing. Based upon evidence, testimony, and exhibits, a hearing examiner makes findings of fact, and conclusions of law and issues an order.

Notice of Hearing

Department of Human Rights, Complainant, vs. Richard Kunz and the Center on Alcohol and Drug Problems, Respondents, April 25, 1978, 10:30 a.m., Department of Human Rights, 206 West Fourth Street, Duluth, Minnesota, 55805.

Department of Human Rights

Settlement Agreements: March 27, 1978 through April 7, 1978

In addition to specific remedies, standard agreements reached prior to a hearing contain the following stipulations:

OFFICIAL NOTICES

1. The agreement does not constitute an admission by the respondent of a violation of Minn. Stat. ch. 363.

2. The respondent agrees to abide by the provisions of Minn. Stat. ch. 363.

Department of Human Rights, Complainant, vs. St. Paul & Suburban Bus Company, Respondent, E2117.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, St. Paul & Suburban Bus Co. (hereinafter "respondent"), discriminated against her because of her sex. The charging party alleged that the respondent continually awarded special routes and charter runs to male employees thereby decreasing the opportunities for female employees to increase their wages. Following an investigation, the Commissioner of Human Rights found cause to credit the charging party's allegation.

Settlement.

The matter was settled in the following manner:

1. The respondent agreed to delegate the assignment of charter trips to a dispatcher.

2. The respondent agreed that employees would be advised that if they wish to be considered for charter assignments they may submit their names to the dispatcher. Employees would be advised that they can review the daily list maintained by the dispatcher and indicate their availability for specific trips.

3. The respondent agreed that drivers would be selected by the dispatcher and such selection would be made on the basis of employee request and the bona fide qualifications of the driver to carry out the job. The dispatcher would make every attempt to equalize trips among drivers who request assignment to charters. Recognition would also be given to drivers' skill, experience and ability to relate to people. Consideration would also be given to any customer request concerning preference for a particular driver except when the customer expresses only a sex preference.

Department of Human Rights, Complainant, vs. New Ulm Rural Telephone Company, Respondent, E1648.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, New Ulm Rural Telephone (hereinafter "respondent"), discriminated against her on the basis of sex. The charging party alleged that the respondent failed to provide in any way for employees re-

quired to be absent from work because of pregnancy. The charging party alleged that she was denied any type of leave, was forced to resign, and was told that she would be reinstated only if a vacancy occurred. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegations.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent represented that the practice of treating pregnancy disabilities different from temporary disabilities had ceased. The respondent further represented that female employees would be accorded maternity leave as though it were a temporary disability.

2. The respondent agreed to pay the charging party and the charging party agreed to accept the total sum of \$5,000.00 in full settlement of everything connected with this matter including any loss of wages or benefits as a result of any action the respondent may have taken or failed to take.

Department of Human Rights, Complainant, vs. Clarence A. Ezuck, Respondent, H529.

Charge.

A person (hereinafter "charging party") filed a charge alleging that Clarence H. Ezuck, owner of rental property (hereinafter "respondent"), refused to rent to her because of her race. Following an investigation, the Commissioner of Human Rights found cause to credit the allegation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to submit all rental application forms to the Department of Human Rights for review. The respondent agreed to revise the forms, if necessary, to comply with departmental guidelines.

2. The respondent agreed to post Equal Housing Opportunity posters in all rental properties.

3. The respondent agreed to pay the charging party \$120.00 in actual damages suffered by the charging party and \$100.00 in punitive damages, making a total of \$220.00 in full settlement of the charge.

Department of Human Rights, Complainant, vs. Minneapolis School District #1, Respondent, E3270.

OFFICIAL NOTICES

Charge.

A person (hereinafter "charging party") filed a charge alleging that Minneapolis School District #1 (hereinafter "respondent"), discriminated against her on the basis of her national origin which is Anglo Saxon. The charging party alleged that when she applied for a teaching position, she was told that a requirement for the position was that candidates be Spanish. Following an investigation, the Commissioner of Human Rights found cause to credit the charging party's allegation.

Settlement.

The parties agreed to settle the matter in the following manner:

1. The respondent agreed to pay the charging party the sum of \$4,000.00 as a negotiated settlement.
2. The respondent further agreed that it would by mail notify the charging party of any openings in the Wilder bilingual program which occur within the next two (2) years.
3. The respondent agreed, upon written request of the charging party, to send her an application blank and give her application due consideration for any position which becomes open in the Minneapolis Public Schools.

Department of Human Rights, Complainant, vs. Burlington Northern Railway, Respondent, E1708.

Charge.

A person (hereinafter "charging party") alleged that his employer, Burlington Northern Railway (hereinafter "respondent"), terminated him because of his race. Following an investigation, the Commissioner of Human Rights found cause to credit the charging party's allegation.

Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to pay to the charging party the sum of \$14,645.00, less applicable deductions for federal and state wage withholdings and Railroad Retirement taxes.

Department of Human Rights, Complainant, vs. F. W. Woolworth Co., Respondent, E4733.

Charge.

A person (hereinafter "charging party") filed a charge

alleging that F. W. Woolworth Co. (hereinafter "respondent"), discriminated against her because of her sex. The charging party alleged that when she reported for her first day of work at the respondent's place of business, she informed her immediate supervisor that she was pregnant. The charging party alleged that when the manager was informed of her pregnancy, the manager told her that she could not work. Prior to a formal investigation, the parties agreed to settle the matter.

Agreement.

1. The respondent agreed to pay to the charging party the amount of \$322.00 in wages minus standard legal deductions.
2. The respondent further agreed to offer the charging party the next available clerical position or a position comparable in pay, duties, and benefits acceptable to the charging party.

Department of Human Rights, Complainant, vs. St. Paul Structural Steel, Respondent, E4841.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, St. Paul Structural Steel (hereinafter "respondent"), discriminated against her because of her sex. The charging party alleged that during the period of time she was unable to work because of pregnancy, the respondent refused to provide her with benefits that the respondent normally provided for employees who are absent from work because of illness or disability. The charging party alleged that other employees absent because of disability received full pay for up to two (2) months. Prior to a formal investigation, the parties reached an agreement that was acceptable to the department.

Agreement.

The charging party and the respondent agreed to settle the matter as follows:

1. The respondent agreed to pay to the charging party the sum of \$700.00 for lost wages due to her disability.

Notice of Hearing

Department of Human Rights, Complainant, vs. Taconite Engineering & Manufacturing Company, Respondent, May 15, 1978, 10:00 a.m., Department of Human Rights, 206 West 4th Street, Duluth, Minnesota.

Department of Public Welfare

Notice of Intent to Solicit Outside Opinion Regarding Proposed Amendment of the Administration of Minnesota Public Social Services Rule

Notice is hereby given that the Minnesota Department of Public Welfare is considering changes to the host county purchase of service contract policy contained in DPW Rule 160, Administration of Minnesota Public Social Services. The host county policy establishes the responsibilities of local social services agencies to contract with Title XX social service providers on behalf of other Minnesota counties wishing to purchase social services.

The Minnesota Department of Public Welfare is interested in soliciting comments on the adequacy of the existing host county policy and suggestions for improvements.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Herb Cashdollar, Supervisor
Service Administration
Department of Public Welfare
Centennial Office Building, Fourth Floor
St. Paul, MN 55155

Oral statements of information and comment will be re-

ceived during regular business hours over the telephone at 612/296-3978.

All statements of information and comment must be received by May 17, 1978. Any written material received by the Department shall become part of the hearing record.

Board of Teaching

Notice of Intent to Solicit Outside Opinion Regarding Rules Governing Teachers of Adults in Academic Classes At or Below the Secondary School Level

Notice is hereby given that the Board of Teaching is seeking information or opinions from sources outside the Board in preparing to propose the amendment and/or adoption of rules governing teachers of adults in academic classes at or below the secondary school level. Any interested persons may submit data or views on this subject in writing or orally to:

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching
608 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-2415

Any written material received by the Board shall become part of the hearing record in the event rules governing this subject are promulgated.

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching

April 3, 1978

STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER

95 Sherburne, Suite 203
St. Paul, Minnesota 55103
(612) 296-8239

ORDER FORM

State Register. Minnesota's official weekly publication for agency rules, notices and executive orders.

- _____ Annual subscription \$110.00
- _____ Additional subscription \$85.00

State Register Binder. Durable 3½ inch, forest green binders imprinted with the State Register logo.

- _____ State Register Binder \$5.00 + \$.20 (sales tax) = \$5.20* each

Guidebook to State Agency Services. The 53rd issue of the State Register, a how-to-get-it guide to state services. Detailed information about every service available to the public, in clear, simple English.

- _____ Single copy \$5.95 + \$.24 (sales tax) = \$6.19*
- _____ Ten copies or more \$5.00 + \$.20 (sales tax) = \$5.20*

Minnesota Code of Agency Rules (MCAR). The permanent, 15 volume set of state agency rules. An indispensable reference work for the practice of administrative law.

- _____ 15 volume set \$325.00, includes the annual update service subscription for the year of order (a \$105.00 value) and a set of MCAR binders.

MCAR Binders. A set of 15 sturdy, three inch, three-ring binders in attractive forest green, imprinted with the MCAR logo.

- _____ 15 volume set \$35.00 + \$1.40 (sales tax) = \$36.40*

*To avoid Minnesota sales tax, please include below your tax exempt number.

Please enclose full amount of items ordered. Make check or money order payable to "Minnesota State Treasurer."

Name _____

Attention to: _____

Street _____

City _____ State _____ Zip _____

Telephone _____

Tax Exempt Number _____

Legislative Reference Library
Attn: Stephen Plumb
Room 111 State Capitol
INTEROFFICE

I